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THE UNIVERSITY OF MICHIGAN

The William W. Cook Lectures
on
American Institutions

ELEVENTH SERIES

The Supreme Court: Palladium of Freedom
ALPHEUS THOMAS MASON

MARCH 26-30, 1962

RACKHAM AMPHITHEATER

ANN ARBOR, MICHIGAN

The William W. Cook Lectures

on

American Institutions

WILLIAM WILSON COOK, twice a graduate of The University of Michigan, A.B., 1880; LL.B., 1882, and until his death in 1930 a distinguished member of the New York bar, was exceedingly generous to his Alma Mater. He built the William W. Cook Law Quadrangle, dedicated to legal education and research. He gave the University the Martha Cook Building—a residence hall for women. Mr. Cook had many interests outside his profession but none was more intense than his devotion to American institutions. Indeed, so earnest was his belief in the value of those institutions that in 1927 he wrote and published a two-volume work entitled "American Institutions and Their Preservation." Motivated by the desire that his Alma Mater should make a major contribution to study, teaching, and dissemination of sound precepts concerning the American way of life, Mr. Cook established at the University the William W. Cook Foundation for lectures on American Institutions, handsomely endowed to achieve the ends he had in view.

THIS PROGRAM announces the eleventh series of lectures to be held under the auspices of the Foundation. The lecturer is **Alpheus Thomas Mason**, McCormick Professor of Jurisprudence, Princeton University. Born in Maryland, Professor Mason received his Bachelor of Arts degree from Dickinson College in 1920, his Master of Arts degree from Princeton University in 1921, his Doctor of Philosophy degree from Princeton University in 1923, and an honorary Doctor of Literature from Dickinson College in 1947. A distinguished career as author, lecturer, and professor has included service at Trinity College (now Duke University), Mercer Beasley School of Law, Cambridge University in England, Syracuse University, Stanford University, Cornell University, Boston University, and membership in the Institute for Advanced Study at Princeton. He is a member of Phi Beta Kappa, the American Political Science Association, the Authors' Club, London, and previously of the board of editors of the American Political Science Review.

Professor Mason has long been noted for his perceptive and intensive studies of the Supreme Court of the United States. He was the recipient of a grant from the Social Science Research Council to prepare a study of Mr. Justice Brandeis, and a Guggenheim Fellowship to prepare a biography of the late Harlan Fiske Stone. These works, together with his book (1954) on American Constitutional Law, are noteworthy among his many significant publications which have contributed greatly to understanding both the men who have served on the Supreme Court and the operation of the Court as an institution of government. The present series of lectures will delve deeply into the history, the personalities, the current controversies, and the role of the court in safeguarding the political processes.

This eleventh series of the William W. Cook Lectures on American Institutions will be made available in published form as soon as possible after delivery.

THE SUPREME COURT: PALLADIUM OF FREEDOM

ALPHEUS THOMAS MASON

Lecture I

POLITICAL SYSTEM WITHOUT A MODEL

The evolution of our political system. Fearful of the volcanic effects of popular power, the framers established "free government." For the first time in history two levels of law were recognized and put into practical effect. By the Constitution—an act of the people—the people put themselves under government; by the same act they put themselves under restraint. By making judges guardians of the Constitution, the framers provided a device by which the Constitution became in reality as in name, the supreme law of the land.

Lecture II

BUTTRESSES OF FREEDOM

Analysis of three inter-related concepts: Right of Revolution, Bill of Rights, Judicial Review. These ideas occupied a prominent place in American thought and action during the formative years (1776–1800). They are still the focus of controversy among Supreme Court justices and others.

Lecture III

CEMENTING THE KEYSTONE

The legitimacy of judicial review. This subject—including the intention of the framers—is still controversial. The lecture is designed to shed new light, with particular reference to the chief architect of judicial power—John Marshall.

Lecture IV

FROM JUDICIAL REVIEW TO JUDICIAL SUPREMACY

Even those who recognize the validity of judicial review, as this Thomas Jefferson and Franklin Roosevelt, query and criticize the use made of it—the almost inevitable conversion of judicial review into judicial supremacy. Jefferson levelled this charge against Chief Justice Marshall; Roosevelt directed the same complaint against the Hughes court. The latter controversy will be featured.

Lecture V

SHORING THE REPUBLIC'S FOUNDATION

The years since 1937. The lecture will examine the court's positive role in safeguarding the political processes, including those basic rights—speech, press, assembly, voting, etc.—without which the dictum, "Governments in America derive their just power from the consent of the governed," becomes an empty phrase.

PREVIOUS WILLIAM W. COOK LECTURES

1944–1945

FREEDOM AND RESPONSIBILITY IN THE AMERICAN WAY OF LIFE
Professor Carl Lotus Baker, Cornell University

1945–1946

TOTAL WAR AND THE CONSTITUTION
Professor Edward Samuel Corwin, Princeton University

1946–1947

ALTERNATIVE TO SERFDOM
Professor John Maurice Clark, Columbia University

1947–1948

MEN AND MEASURES IN THE LAW
Justice Arthur T. Vanderbilt, Supreme Court of New Jersey

1948–1949

CHARACTERISTICALLY AMERICAN
Professor Ralph Barton Perry, Harvard University

1950–1951

DEMOCRACY AND THE ECONOMIC CHALLENGE
Robert Morrison MacIver, Columbia University

1952–1953

THE PURSUIT OF HAPPINESS
Professor Howard Mumford Jones, Harvard University

1954–1955

THE POLITICS OF INDUSTRY
Walton Hamilton, of Washington, D.C., Bar, formerly
Professor of Law, Yale University

1957–1958

PLANNING FOR FREEDOM:
THE GOVERNMENT OF THE AMERICAN ECONOMY
Eugene V. Rostow, Dean of Yale University School of Law

1960–1961

THE METROPOLITAN PROBLEM AND
AMERICAN GOVERNMENTAL IDEAS
Luther Gulick, President, Institute of Public Administration, New York

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